

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: Leanne Reidenbach, Senior Planner
SUBJECT: Development Standards – Timbering

I. Timbering

The section of the ordinance that primarily deals with timbering is Section 24-43. While timbering as a use is permitted in every zoning district, these sections outline requirements for buffer and setbacks for timbering activities. These requirements differ by zoning district. Finally, the definitions portion of the ordinance contains definitions for “timbering” and “setback for timbering” used within 24-43. Evaluation of the timbering ordinance was included in the scope of work item identified as Development Standards. No specific research items were identified, so staff approached this review with the intention of addressing changes to State code, best management practices recommended by the Virginia Department of Forestry (VDOF) and clarifying the intent of the section.

II. Discussion Items

A. **Best management practices and State Code**

1. Description of Element

- *Staff identified changes to best management practices for timbering and State Code amendments through meeting with the local VDOF representative and the County Attorney’s office.*

2. History/Background

- *The timbering section of the ordinance dealing with buffers and setbacks was created and amended in 1996 to address concerns with timbering along Community Character Corridors both inside and outside the Primary Service Area. Different standards were adopted for the A-1, General Agricultural, district recognizing the State’s “right to timber” policies. Amendments to the tree replacement policies were proposed in 1997 but not adopted due to property owner opposition.*

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *Aside from public input calling for protection of rural viewsheds and agricultural and forestal businesses, there was no specific PC or BOS direction provided regarding this topic.*
- *ED 8.1. Support traditional agricultural and forestal uses where they exist through continued and improved ordinances and policies favorable to such uses.*
- *LU 6. Enhance and preserve the agricultural and forestal economy and character of Rural Lands and the predominately wooded, natural, and small-town character of the County.*

4. Solutions and policy options

- *Staff proposes the following minor adjustments to the ordinance:*
 - *Amend the length of time the Planning Director has to review timbering proposals within a buffer from 14 to 10 days to be in accordance with State Code.*

- Add "or certified horticulturalist" in all instances where the recommendations of a State forester are referenced. This was requested by the local representative of VDOF.
 - Amend the definition of "timbering" as follows:
 - *Timbering.* Tree harvesting, cutting, or removal where the total amount of land on which tree cutting occurs exceeds 10,000 square feet, *which is performed in accordance with accepted Virginia Department of Forestry Best Management Practices for Timber Harvesting as determined by the State Forester pursuant to § 10.1-1105; and which includes reforestation either by natural or artificial reforestation, or both.* However, timbering shall not include:
 - (1) Harvesting, cutting, removal or other clearing of trees in accordance with an ~~approved~~ site plan, subdivision plan, or building permit *that is currently on file with the County or has received final approval;* or
 - (2) *Removal of tree stumps or conduct of other land disturbing activities; or*
 - ~~(2)~~ (3) Removal of dead, diseased, dying, or insect damaged trees.
5. Staff recommendation
- *Staff recommends the above changes to the timbering section of the ordinance to bring it into conformance with current State Code and best management practices.*

B. Clarification

1. Description of Element

- *Staff examined the ordinance section for areas that may not be clear to applicants and landowners.*

2. History/Background

- *See A above.*

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *See A above.*

4. Solutions and policy options

Staff proposes the following minor adjustments to the ordinance related to timbering:

- *Adding "Silviculture" to the general definitions section and referencing users to the definition for "timbering" proposed above. Silviculture is listed as a permitted use within the A-1 district but is currently not defined.*
- *Since the County does not have a standard application for timbering within a buffer, staff proposes replacing this text with "Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete an application submit a written request..."*
- *Currently, the timbering buffer and setback requirements for the A-1 district are located in the A-1 district section of the ordinance in Section 24-215. Staff proposes moving this language and incorporating it into Section 24-43 so that all timbering buffer and setback regulations are located in the same place.*

~~Sec. 24-215. Setback requirements.~~

~~(c) All timbering activities in the primary service area shall be located a minimum of 50 feet from any public road right of way unless done in accordance with section 24-43. This distance shall be known as the setback for timbering.~~

Staff also proposes the following language change:

- (3) *Setback for timbering.* In the General Agricultural District, A-1, for properties that are in the primary service area, all timbering activities shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with other provisions in section 24-43. This distance shall be known as the setback for timbering. *In the General Agricultural District, A-1, for properties that are outside the primary service area, there shall be no setback for timbering.* ~~a setback for timbering shall be provided in accordance with section 24-215(c).~~

5. Staff recommendation

- *Staff recommends these minor changes to the timbering buffer and setback section of the ordinance to provide clarification for users.*

III. Conclusion

Staff recommends that the Policy Committee support the minor changes to sections of the ordinance that pertain to timbering to increase compliance with State Code and current practices and to improve the clarity of the requirements.